

**Tuesday, August 24, 2021**

**Minutes of the meeting of the Comox Valley Regional District Board of Directors held on August 24, 2021 in the Civic Room of the Comox Valley Regional District offices located at 770 Harmston Avenue, Courtenay, BC commencing at 4:00 pm.**

## **MINUTES**

### **Present:**

<b>Chair:</b>	J. Ketler	Village of Cumberland
<b>Vice-Chair:</b>	A. Hamir	Lazo North (Area B)
<b>Directors:</b>	D. Arbour	Baynes Sound-Denman/Hornby Islands (Area A)
	W. Cole-Hamilton	City of Courtenay
	K. Grant	Town of Comox
	E. Grieve	Puntledge/Black Creek (Area C)
	D. Hillian	City of Courtenay
	M. McCollum	City of Courtenay
	W. Morin	City of Courtenay
	M. Swift	Town of Comox
<b>Staff:</b>	R. Dyson	Chief Administrative Officer
	D. DeMarzo	General Manager of Community Services
	M. Rutten	General Manager of Engineering Services
	A. Mullaly	General Manager of Planning and Development
	L. Dennis	Manager of Legislative Services

### **ATTENDANCE:**

Directors Arbour and Grieve attended via electronic means.

### **RECOGNITION OF TRADITIONAL TERRITORIES:**

The Chair acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation and read the following article from the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) available online at: [www.un.org/](http://www.un.org/)

Article 39: Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

### **IN-CAMERA MEETING:**

D. Hillian/M. McCollum: THAT the board adjourn to an in-camera session pursuant to the following sub-

section of Section 90 of the Community Charter:

90(1)(e) the acquisition, disposition or expropriation of land or improvements, if the board considers that disclosure could reasonably be expected to harm the interests of the regional district;

AND FINALLY THAT the in-camera portion convene immediately following the open portion of the meeting.

208

Carried

**ADOPTION OF MINUTES:**

A. Hamir/W. Cole-Hamilton: THAT the Comox Valley Regional District Board minutes dated August 10, 2021 be adopted.

208

Carried

**BUSINESS ARISING FROM MINUTES:**

**COMOX VALLEY REGIONAL DISTRICT BOARD - AUGUST 10, 2021**

D. Hillian/A. Hamir: THAT, as the required conditions have been met, the following resolution and staff report be publicly released:

"THAT, subject to receipt of an approved Comox Valley Regional District (CVRD) and Comox Valley Economic Development Society (CVEDS) agreement to transfer the Visitor Centre assets and liabilities from CVEDS to the CVRD, the Board rise and report on this August 5, 2021 staff report, that provides an update on the finalization of the five point plan for the Comox Valley economic development service."

208

Carried

**PETITIONS AND DELEGATIONS:**

**COMOX VALLEY AIRPORT COMMISSION (CVAC)**

A. Hamir/K. Grant: THAT the presentation from Mike Atkins, CAO, and Martin Crilly, CVAC Board Chair, regarding CVAC goals, values and strategic plan; current and future outlook; board appointment process and economic development be received.

208

Carried

**REPORTS:**

**ELECTORAL AREAS SERVICES COMMITTEE - AUGUST 9, 2021**

K. Grant/A. Hamir: THAT the Electoral Areas Services Committee minutes dated August 9, 2021 be received.

208

Carried

E. Grieve/K. Grant: THAT the Comox Valley Regional District Board approve Development Variance Permit DV 2A 21 (3L Developments Inc.) to reduce the required minimum frontage from 10 per cent to 4.25 per cent on property described as Lot 29, Newcastle District, except therefrom the right of way of the Esquimalt and

Nanaimo railway as shown on plan attached to DD4433-N, PID 001-613-511 (8991 Island Highway South);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.

208 and 213

Carried

R. Dyson, Chief Administrative Officer, recused himself from the meeting at 4:30 pm due to a potential perceived conflict of interest in relation to his spouse's position as chair of the Agricultural Land Commission.

K. Grant/D. Hillian: THAT the Agricultural Land Commission be advised that the Comox Valley Regional District supports Agricultural Land Reserve Non-Adhering Residential Use application ALR 2B 21 (Landers) concerning a residential use located on Lot 2, Section 22, Comox District, Plan VIP74331, PID 025- 497-987 (5028 Headquarters Road);

AND FINALLY THAT the application ALR 2B 21 (Landers) regarding a non-adhering residential use on a property within the Agricultural Land Reserve be forwarded to the Agricultural Land Commission for final consideration.

208 and 213

Carried

R. Dyson, Chief Administrative Officer, returned to the meeting at 4:31 pm.

E. Grieve/K. Grant: THAT the Comox Valley Regional District Board grant an exemption to Bylaw No. 600 being the "Floodplain Management Bylaw No. 600, 2020" to permit the development of a single detached dwelling within the minimum 60 metre floodplain setback of Oyster River (FR 1C 21, Miller) on property described as Lot 4, Section 28, Block 29, Comox District, Plan 32398, PID 000-150-975 (9520 Riverbend Road);

AND FINALLY THAT, as a condition of the site specific exemption to the Floodplain Management Bylaw, the property owners, at their own expense, register a restrictive covenant under Section 219 of the Land Title Act, specifying conditions that would enable the land to be safely used for the use intended according to the terms of the engineer report prepared by Adrian Chesham, M.Eng., P.Eng., and reviewed by Peter Bullock, M.Eng., P.Eng., dated April 5, 2021 and revised June 2, 2021, which will form part of the restrictive covenant, as well as an acknowledgement that no Disaster Financial Assistance funding is available for the building or its contents and releasing and indemnifying the Comox Valley Regional District from liability in the event any damage is caused by flooding or erosion.

208 and 213

Carried

K. Grant/W. Morin: THAT the Comox Valley Regional District Board approve the Development Permit DP 16C 21 (Munro/Donner) to permit the construction of a single detached dwelling within 30.0 metres of a property within the Agricultural Land Reserve for property described as Lot 15, Block 29, Comox District, Plan 23282, PID 001-819-488 (no civic address, Macaulay Road);

AND FINALLY THAT the Corporate Legislative Officer be authorized to execute the permit.

208 and 213

Carried

K. Grant/A. Hamir: THAT pursuant to sections 269 and 407 of the Local Government Act, participating area approval in respect of the following proposed bylaws be obtained via assent voting:

- Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021;
- Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021; and
- Denman and Hornby Islands High-Speed Internet Capital Contribution Agreement Authorization Bylaw No. 678;

AND FURTHER THAT these bylaws be introduced and read three times with Bylaw No. 672 and 673 then being forwarded to the Inspector of Municipalities for approval.

208

Carried

K. Grant/M. McCollum: THAT the question to be placed on the ballot for assent voting in respect of proposed Bylaws No. 672, 673 and 678 be as follows:

“Are you in favour of the CVRD adopting Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021, Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021, and Denman and Hornby Islands High-Speed Internet Capital Contribution Agreement Authorization Bylaw No. 678 to authorize the following:

- establish and operate a service for providing capital financing for high-speed internet infrastructure;
- borrow \$767,677 to be repaid over a maximum 10 year period to finance the development of the high-speed internet infrastructure; and
- enter into a 20 year agreement with City West Cable and Telephone Corp. to provide up to \$760,000 capital financing for the development of the high-speed internet service infrastructure.?

\_\_\_\_\_ Yes \_\_\_\_\_ No”

208

Carried

W. Cole-Hamilton/K. Grant: THAT pursuant to section 176(4) of the Local Government Act, the Notice of Assent Voting contain the following synopsis of proposed Bylaws No. 672, 673 and 678:

"The general intent of Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021, Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021; and Denman and Hornby Islands High-Speed Internet Capital Contribution Agreement Authorization Bylaw No. 678 is to:

- Bylaw No. 672 establishes a service of providing a capital contribution for high-speed internet infrastructure and provide grants and other forms of assistance that benefit residents and community organizations within the service area; and
- Bylaw No. 673 authorizes borrowing up to \$767,677 to be repaid over a maximum 10 year period to finance development of high-speed internet infrastructure; and

- Bylaw No. 678 authorizes an agreement with City West Cable & Telephone Corporation under which the CVRD may provide capital financing of up to \$760,000 for the development of high-speed internet service infrastructure.

The area that is subject to the proposed bylaws is Hornby Island and Denman Island. A full copy of the proposed bylaws are available for public viewing on the CVRD website at [www.comoxvalleyrd.ca](http://www.comoxvalleyrd.ca) or at the CVRD office located at 770 Harmston Avenue, Courtenay, B.C.

Note: this synopsis is not an interpretation of the bylaws.”

208

Carried

W. Cole-Hamilton/K. Grant: THAT pursuant to section 58(1) of the Local Government Act, Jake Martens is appointed as Chief Election Officer and Lisa Dennis as Deputy Chief Election Officer for conducting the assent voting, with power to appoint other election officials as required for the administration and conduct of the assent vote for proposed Bylaws No. 672, 673 and 678.

208

Carried

K. Grant/M. McCollum: THAT the Comox Valley Regional District Board commit \$6,500 from the Denman Island Feasibility Study Service (function 154) and \$9,500 from the Hornby Island Feasibility Study Service (function 155) for a total of \$16,000 for the assent vote and other costs associated with the proposed Denman and Hornby Islands High-Speed Internet Contribution Service project.

208

Carried

K. Grant/W. Cole-Hamilton: THAT pursuant to section 391(4)(a) of the Local Government Act (RSBC 2015 c.1) (LGA) a bylaw be forwarded to the Comox Valley Regional District (CVRD) Board be adopted by October 31, 2021, allowing for a permissive tax exemption for 100 per cent of the taxable land and improvements for the year 2022 for the property known as Parcel A, Plan VIP64403, Land District 15, Folio # 771- 000500.000 (Sunnydale Golf Society) with the exception of the portion of Class 06-Business/Other relating to the pro shop operations.

208

Carried

K. Grant/A. Hamir: THAT pursuant to section 392(1)(c) of the Local Government Act (RSBC 2015 c.1), a bylaw be prepared providing for a permissive tax exemption for the taxation year 2022 for an amount equal to 100 per cent of the net taxable land and improvements for Section 32, Land District 34, Township 1, Folio #771 010800.000 (Union Bay Historical Society).

208

Carried

K. Grant/W. Cole-Hamilton: THAT the unspent \$561,076 of the \$1.5 million allocation of Community Works Fund for the corporate office construction project be released back into the uncommitted balance to be utilized for other priority projects.

208

Carried

## **COMOX VALLEY SEWAGE COMMISSION – AUGUST 10, 2021**

D. Hillian/K. Grant: THAT the Sewage Commission minutes dated August 10, 2021 be received.  
208 Carried

## **COMOX VALLEY WATER COMMITTEE - AUGUST 10, 2021**

K. Grant/W. Morin: THAT the Water Committee minutes dated August 10, 2021 be received.  
208 Carried

### **BYLAWS AND RESOLUTIONS:**

D. Hillian/K. Grant: THAT Bylaw No. 672 being "Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021" be given first and second readings concurrently.  
208 Carried

K. Grant/W. Cole-Hamilton: THAT Bylaw No. 672 being "Denman and Hornby Islands High-Speed Internet Contribution Service Establishment Bylaw No. 672, 2021" be read a third time.  
208 Carried

K. Grant/W. Morin: THAT Bylaw No. 673 being "Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021" be given first and second readings concurrently.  
210 Carried

D. Hillian/K. Grant: THAT Bylaw No. 673 being "Denman and Hornby Islands High-Speed Internet Loan Authorization Bylaw No. 673, 2021" be read a third time.  
210 Carried

K. Grant/M. McCollum: THAT Bylaw No. 676 being "Comox Valley Regional District Property Tax Exemption Bylaw No. 676, 2021" be given first and second readings concurrently.  
208 Carried

K. Grant/W. Cole-Hamilton: THAT Bylaw No. 676 being "Comox Valley Regional District Property Tax Exemption Bylaw No. 676, 2021" be read a third time.  
208 Carried

D. Hillian/K. Grant: THAT Bylaw No. 677 being "Comox Valley Regional District Property Tax Exemption Bylaw No. 677, 2021" be given first and second readings concurrently.  
208 Carried

K. Grant/W. Cole-Hamilton: THAT Bylaw No. 677 being "Comox Valley Regional District Property Tax Exemption Bylaw No. 677, 2021" be read a third time.  
208 Carried

### **ADJOURN TO IN-CAMERA:**

The board adjourned to its in-camera session at 4:38 pm.

**RISE AND REPORT:**

The board rose from its in-camera session at 4:43 pm.

**TERMINATION:**

D. Hillian/K. Grant: THAT the meeting terminate.

208

Carried

Time: 4:43 pm.

Confirmed this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_:

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Jesse Ketler

Chair

Certified Correct and Recorded By:

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Lisa Dennis

Manager of Legislative Services